

UB Law Forum

Volume 3
Number 1 *Winter 1988*

Article 29

1-1-1988

Keeping Up With the Profs

UB Law Forum

Follow this and additional works at: https://digitalcommons.law.buffalo.edu/ub_law_forum

Recommended Citation

UB Law Forum (1988) "Keeping Up With the Profs," *UB Law Forum*: Vol. 3 : No. 1 , Article 29.
Available at: https://digitalcommons.law.buffalo.edu/ub_law_forum/vol3/iss1/29

This Article is brought to you for free and open access by the Alumni Publications at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in UB Law Forum by an authorized editor of Digital Commons @ University at Buffalo School of Law. For more information, please contact lawscholar@buffalo.edu.

FACULTY UPDATE

We are happy to welcome back **Professor James B. Atleson**, who spent last year on sabbatical as a visiting professor at the University of Pennsylvania. He is currently finishing a paper on injunctions against picketing, previously supported by a grant from the National Science Foundation. He is also working on a project dealing with labor regulations during World War II. "I received a summer fellowship from the National Endowment for the Humanities in order to start on this study last summer," he says. In addition, he participated in a symposium on Law and Labor History last June in Washington, sponsored by Georgetown University.

* * *

Professor Guyora Binder has a book coming out about treaty law: *The Dialectic of Duplicity*. "It shows how contradictions in the structure of treaty law reflect political and economic tensions in international society," he explains. An article of his recently published in the Georgetown Law Journal is called, "Critical Legal Studies as Guerilla Warfare."

* * *

Professor Barry B. Boyer was recently appointed by New York Governor Mario M. Cuomo to membership on the Advisory Committee on Permanent Disposal Facilities, Siting, and Disposal Method Selection for low-level nuclear waste. Quips Boyer: "I'm happy to be moving up to a better class of garbage."

* * *

In March, **Associate Professor Charles P. Ewing's** book, *Battered Women Who Kill: Psychological Self-Defense as Legal Justification*, was published by D.C. Heath-Lexington Books. Ewing, who is also a clinical associate professor of psychology, believes criminal laws should be changed to recognize psychological self-defense as legal justification for homicides committed by battered women. No state currently recognizes such a defense, although juries sometimes acquit women who cite longtime abuse. "But most of these women are convicted," he says.

"Ideally, I'd like to see some change in the law. My hope is to shake people up and get them thinking about the problem."

Ewing has been named to the National Advisory Council of the National Clearinghouse on Battered Women's Self-Defense. He recently testified as a psychological expert witness at a habeas corpus hearing on behalf of a battered woman in Alabama who was convicted of murder and sentenced to death. In August, he presented a paper at the Annual Convention of the American Psychological Association in New York City. His paper, "The Constitutionality of Punishing Future Crimes," was part of a special symposium sponsored by the American Psychology-Law Society to commemorate the 200th anniversary of the U.S. Constitution by highlighting the contributions of psychology to Constitutional decision-making.

In September, Ewing testified before the U.S. House of Representatives Select Committee on Children, Youth and Families. His testimony on the double victimization of battered women was given during a hearing on women, violence and the law.

* * *

Associate Dean Ellen M. Gibson is currently working on a book that is scheduled to be published this spring entitled, *New York Legal Research Guide*. This will be the first comprehensive guide to New York legal research under one cover, she says. In addition to bibliographies and research methods in traditional sources (cases, statutes, regulations), it will also include new legal research tools such as LEXIS, WESTLAW and other databases useful for the New York lawyer.

Gibson is the 1987-1988 president of the Association of Law Libraries of Upstate New York and chairperson of the subcommittee on cataloguing legal databases for the Research Libraries Group, a consortium of the nation's leading research institutions.

* * *

As chairperson of the Erie County Task Force on the Status of Women, **Professor Marjorie Girth** and her committee spent almost two years studying the problems of women. Last spring, they issued a 163-page

report, "Women's Issues: A New Beginning for Erie County." Among the issues investigated were employment, teen-age pregnancy, violence against women, mental health, older women's concerns, child support, child care, education and housing. The committee found that financial prospects are bleak for many women in Erie County - including many who are employed full-time.

As we go to press, it is expected that a permanent Commission on the Status of Women will soon be created to try to improve the quality of life for Erie County's women and their families.

In May, Girth received the 1987 Achievement Award of Buffalo Branch, American Association of University Women.

* * *

The American Arbitration Association awarded their Whitney North Seymour Sr. Award to **Professor Jacob D. Hyman** for "outstanding contributions to the responsible use of arbitration." The award was presented in June at the Ramada Renaissance hotel where the group was holding a two-day conference. Hyman has taught at UB Law School for more than 41 years and is a former dean.

* * *

As executive director of the New York State Law Revision Commission in Albany, **Professor Kenneth F. Joyce** and his staff of six attorneys research, analyze and make recommendations to correct the ambiguities, defects and anachronisms in New York's laws. Judges, public officials, lawyers and the public point out statutes that aren't working and the commission decides which to investigate. Joyce and his colleagues compare our laws to similar laws in other states; their reports are then submitted to the state legislature.

By juggling his schedule, Joyce is able to spend part of the week teaching at UB Law School as well, and has begun a student internship program for the commission in conjunction with the Law School's Jaeckle Center for State and Local Government. Fifteen law interns work on actual projects to be proposed to the legislature.



Professors Thomas E. Headrick, left, Janet S. Lindgren, center, and James B. Atleson.

Joyce, a UB law professor for the past 23 years, teaches courses that delve into such subjects as trusts and estates, income tax and equitable distribution in divorce cases. But he finds researching problems in state law "fascinating. There's a richness in state law and state law problems as opposed to the absolutely enticing esoterica of the internal revenue code."

* * *

Professor Janet S. Lindgren spent the 1986-87 academic year as a Fulbright Scholar associated with the Department of Administrative and Constitutional Law at the University of Leiden.

"The Netherlands provided a cultural contrast for my continuing inquiry into social argument in the United States and the part that the Constitution and constitutional scholars play. I wanted to escape our assumptions about those roles. To do that, I chose the Netherlands, where judges are prohibited by the constitution from determining the constitutionality of statutes, and where the constitution seems to have virtually no place in public consciousness.

"Ironically, constitutional scholars in the Netherlands tend to yearn for something like the body of Supreme Court decisions available to scholars here. Instead of support for my efforts to work beyond those cases, I tended to find disbelief that I should want to do so. It produced an interesting discussion, though not the one I anticipated."

She recently wrote *A Relevant Other: American Constitutional Scholarship*, published in 1987. A forthcoming article, "Locating Constitutions," will be published in *European Contributions to American Studies XIII*.

Professor Lindgren participated in the Anglo Dutch Lecture Series at Tilburg University where she spoke on "Origins of the United States Constitution." At the Amerikanistiek Lecture Series at Leiden University last April, she spoke on "The American Constitution: 1787-1987" and on "The Interaction of Court and Legislature on Constitutional Issues." Then in May, at the Conferentie van de Nederlands American Studies Association held in Amsterdam, she lectured on "A Constitutional Heritage: Learning It or Living It?"

* * *

An article by Professor Errol Meidinger, "Regulatory Culture: A Theoretical Overview," appeared in the December issue of *Law and Policy*. The article argues that regulatory policy must be understood as a set of negotiated understandings that govern the behavior of regulatory actors. These understandings organize the activities not only of regulated parties, but also of regulators and regulatory beneficiary groups. This model contrasts with those depicting regulation merely as a set of logically derived rules on the one hand, or the product of

political or economic logrolling on the other. "The latter model is inadequate in part because it fails to understand the role of ideals or 'normative visions' in the negotiation of regulation," Meidinger said.

Professors Barry Boyer, John Thomas (School of Management) and Meidinger recently completed a paper for the United States Environmental Protection Agency entitled "Theoretical Perspectives on Environmental Compliance."

"The purpose of the paper is to broaden agency thinking beyond deterrence models that focus only on the certainty and size of penalty for improving regulatory compliance. While the paper treats those factors as very important, it seeks to illuminate the many other organizational and ideological factors that operate as determinants of compliance," Meidinger explains.

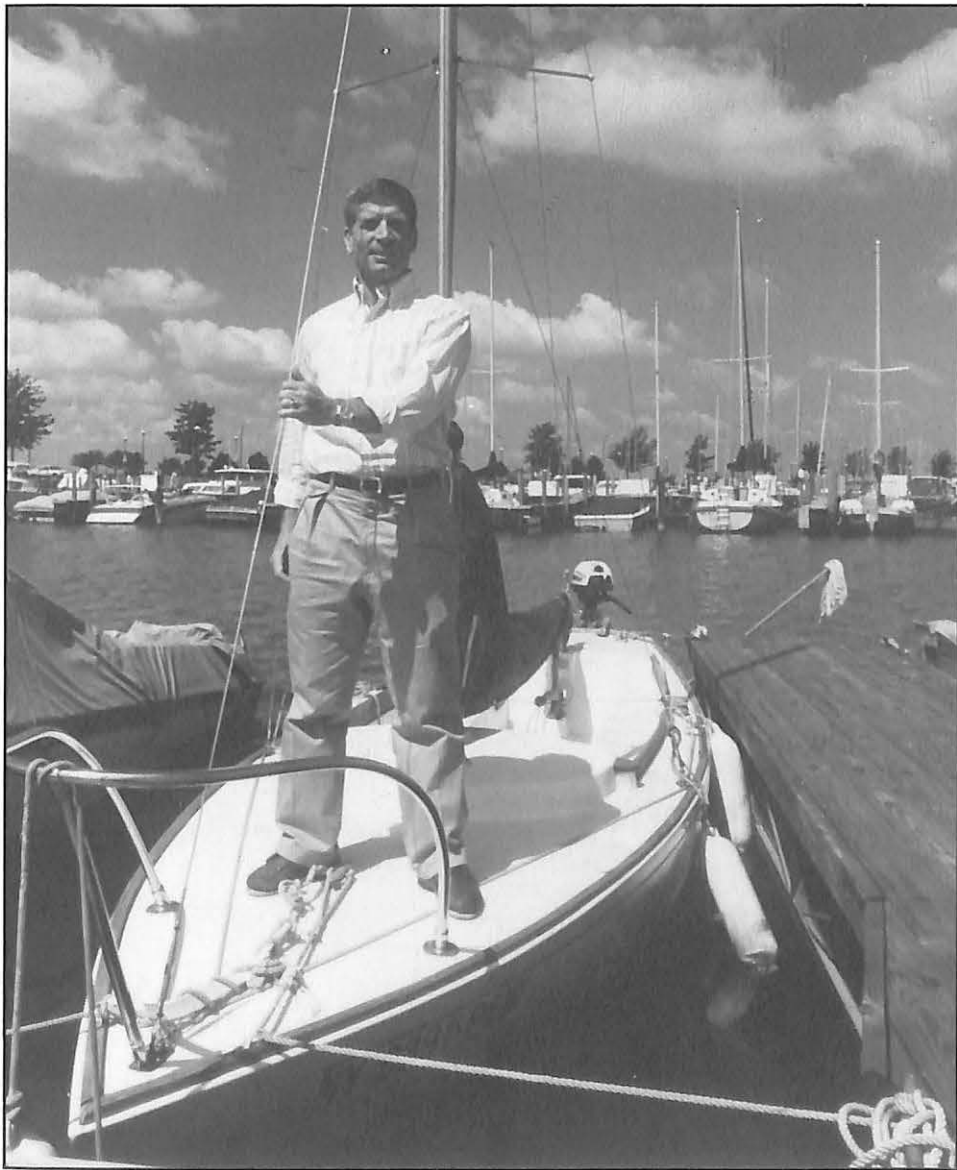
Meidinger and Professor Guyora Binder are teaching a new seminar on democracy. They will explore different theoretical conceptions of democracy and apply those conceptions to understanding the types of practice lawyers might pursue to enhance democratic decision-making in modern organizations.

Meidinger is also working with a group of social scientists assisting the State of Washington in assessing the potential social and economic impacts of locating a high level nuclear waste repository near the Hanford nuclear complex in southeast Washington. "My most recent work has been evaluating the effects of the Federal Tort Claims Act and the Price-Anderson Act on the probability of obtaining legal compensation for the social and economic impacts of such a development."

* * *

Professor Robert Reis, project director of the Sea Grant Law Center, is happy to report that their grant will be renewed for the 1988 calendar year. The center is funded by the United States Department of Commerce and New York State.

In 1987, Professor Reis published two revisions for Warren's Weed, "Land Under Water" and "Adirondack Park Agency." Reis is one of the authors of a three-volume set published by Matthew Bender entitled



Professor Robert Reis of the Sea Grant Law Center.

Purchase and Sale of Real Property. A book, *Dockominiums and Outshore Land Development*, is scheduled for completion in 1988.

* * *

Associate Professor Judy Scales-Trent, a civil rights lawyer as well as a teacher, came to UB Law School three years ago from Washington, D.C. where she was an appellate attorney for the Equal Employment Opportunity Commission. Since coming here, she has volunteered her expertise in discrimination matters to benefit children

in Buffalo's public schools. She has worked on a task force that dealt with discrimination in testing and on a task force that investigated why a disproportionate number of minority children were being assigned to special-education classes. Last spring, she taught a seminar along with Sociologist Adeline Levine on "Law and Social Change: School Desegregation in Buffalo."

"The lawsuit to force school desegregation here was filed in the early 1970s. We're picking up on it 10 years later to see if you really can get social change from filing a lawsuit."

* * *

Professor John Henry Schlegel is on sabbatical this year working on a book, *American Legal Realism and Empirical Social Science*, a project financed in part by the National Science Foundation. He has presented a paper on Legal Realism and historical methodology at Yale Law School's Legal Theory Workshop and at a faculty workshop at the Boston University Law School. The final version of this paper will appear in the *Stanford Law Review*. Professor Schlegel also spoke on the subject at the annual meeting of the American Society for Legal History held in Philadelphia.

* * *

Steinfeld Receives Magavern Grant

Associate Professor Robert J. Steinfeld was selected as the recipient of a \$10,000 award from a fund established by Samuel D. Magavern in honor of his father, to support special teaching and research projects by faculty members of the Law School.

Steinfeld, a member of the faculty since 1983, teaches property law, corporation law and related subjects. The Magavern fellowship helped Steinfeld investigate the relationship between property ownership and the exercise of voting rights in the 19th century. During the summer, he spent time at the Harvard Law Library examining a nearly complete set of colonial statutes. This research is part of a larger project in which he is examining a range of legal omissions that deprived 19th century "paupers" of their rights.

The special fund was set up in 1985, allocating \$100,000 to be awarded at a rate of \$10,000 per year over a 10-year period. The initial \$10,000 was awarded in 1986. The fund was created to honor the late William J. Magavern "and the many other dedicated lawyer-teachers who served the Law School during its formative years at considerable personal sacrifices." ■